

# REASONS

FOR

Reviving and Continuing the ACT

FOR THE

## Regulation of PRINTING.

*Printed in Jan<sup>y</sup> 1692 writt by James Harrington of Ch. Ch.*



It must be agreed, that the Press deserves and needs both *Encouragement* and *Restraint*; and Experience hath proved the Usefulness of this Law for both those Purposes.

The Design of the Act is,

First, To prevent *Seditious*, *Blasphemous*, and *Treasonable* Books, the necessity of which Care in the present Age is as apparent, as 'twas in the former. The Preamble of this Act remains still too true to admit of a denial: And the same, or the like Method for *Licensing*, and *punishing* of unlicens'd Books, hath been practised for near 100 Years past, before and after the Reign of K. James I.

But until this legal Provision was made, in contempt of the repeated Orders of the King and Council, and other Courts, unlawful Pamphlets were daily Published; and the number of them would probably still have increased, if this Law had not taken care, not only to impose and exact Penalties, but to restrain the number of Presses, and to forbid all private Ones, and to facilitate Searches during the Work, which afterwards for the most part are fruitless and vain, because in all probability the Libel hath then had its Vent, and the Author his end.

The Second Design and Intent of this Act is,

To *encourage* and *preserve* Property in Books to their Authors and their Assigns, and this by enjoying Entries in a Publick Register, (which is regularly and fairly kept), by Prohibiting the Importation of any Books from beyond the Seas which were Printed here before; and lastly, by ascertaining the rights of Copies to the Proprietors thereof; which Provision almost in the very same words was Established, not only by Decrees in Charles I. time, and long before, but also by an Act of Parliament Sept. 29. 1649.

This Law is not only convenient for Authors of the present and future Ages, but just even in respect of ancient Copies, in which a legal Interest hath been acquired, and that at great Charges; and these Interests are become the Livelihood and sole Estate of several Widows, Fatherless Children, and other whole Families.

The Mystery of Printing was first introduced into England at the Charge of the Crown, and upon increase of the number of Artists, was Governed by direction of the King, or King and Council, and then by Decrees of the Star-Chamber, and then by Acts or Ordinances made in the late Times, and since the Restoration, by Act of Parliament. But Property in Publick or Private Copies, was always preserv'd entire and free, The Right and Interest of the Company of Stationers, in Books of Common and Publick Use, was lawfully Vested in them before the Reign of King James I. some of which Copies were purchased at great Expence from the Crown, some from private Persons, and others bequeathed to them by the then Proprietors, and great Stocks were expended and still are laid out to that purpose. They are now under Obligations of giving 200 l. per Annum to the Poor of the Trade, and this they have never failed in, and tho their Stocks have not yielded some years above 4 or 5 per Cent. yet they have maintained several Families thereby every Year, who must necessarily Perish upon the loss of such Copies, and the failure of the Stock therein.

*Object.* Printing is a *Manufacture*, and ought to be as free as any other Trade.

*Answer.* This was never a Free-Trade since its first Introduction, but always under Regulation; and infinite Inconveniences must ensue upon a licentious Use of it; and the Policy of all Ages from its first Practice in England, hath been to Govern it by Rules, and under Limits. As to Execution of the Act, in respect of Restraint, none were ever disabled to use the Art, unless in scandalous or unlawful Work; and if an universal Liberty were once permitted, such practice would quickly increase, and would be even beyond the Power of any Government to controule.

*Object.* Penalties have been exacted, and many Persons have been rigorously Prosecuted for Importation of Books from abroad.

*Answer.* It's true that Prohibited Books have been seized, and the small Penalties sometimes taken, but lawfully, regularly, mildly, and that only from incorrigible Pirates; and the Charge generally hath been greater than the Profit of such Prosecutions, through the smallness of the demanded Forfeitures. And the Case which was most complained of, was that of Mr. Fekyl, who Imported Foreign Prints, to the damage of English-men's Property; and that was adjudged by the Reverend the L. C. J. Hales, and this his Judgment did command a great submission to the Law almost ever since.

*Object.* That Books may be had cheaper from Holland, and therefore not to be Prohibited, for the Subject may be supplied from thence with more ease, and the Customs advanced.

*Answer.* As to the Subject, the Stat. 25. Hen. VIII. remains still in force, by which the price of Books may be settled and reformed as occasion doth or may require. And that the Dutch do in the trade of Printing Pirate upon us is no more than they do by most other Nations and they will always be able to do so, because their Hirelings fare worse, and work for less. But surely the *Dutchmen-Printers* in London have no reason to thank the Author of such an Objection: for an English Printer would be loth to change Conditions with any Printer in Holland. Then as to the Kings Customs being raised by such Importation of Foreign Prints, it must be agreed that 'twould encrease them some small trivial matter, but the gain would be so little, and the Balance so burthenfome on the other side, that it is easily demonstrable to be no more than one Penny profit to the Crown for 5 l. loss to the English Subject: And it is to be hoped, That such an Increase of the Revenue will never be acceptable to their Majesties, or the Parliament.

And if it should be admitted, That if the right of those Copies which is vested in the Crown, and those that claim under it by Charter or Patent were made Publick, the Price of such Books might possibly be abated, Yet in those Prints which are of publick Consequence, the Exactness of the Impression ought chiefly to be regarded, and it is the Prudence of the Government to lodge this Trust in such Hands, as may take care not only of a moderate Price of those Books, but of a good and correct Edition of them; which, as it is performed with great Charge, so must it necessarily in some measure enhance the Value of the Books. Of this we have a clear Instance lately in Two Mercenary Fellows, that were Printers to the University of Oxford. For when that Venerable Body thought it a work proper for them to wave their own Interest for the Publick good, and upon just expectation of correct Editions, had given way to the Printing many thousand Bibles, with design to abate the general Price of them in this Nation, at the loss of their own Private Advantage; they found that Bibles were not only Printed on ill Paper and worse Letter, and were scarce legible at first, and in a short time torn and worn out; but were falsely and scandalously set forth, with Omissions of many Material Passages, with the change of Negatives into Affirmatives, with many Thousand Faults and Errata's, to the great Prejudice of Religion, and the Dishonour of that Famous University. And when one of those Undertakers was charg'd with breach of Trust in Printing such a Common-Prayer-Book as could not be read, he fairly answered, "That all Persons ought to have it by heart, and it was no matter whether it was read or not, so it was worn out in their hands." When this Answer was not fully satisfactory, and no Amendment was to be expected from a Man of those Principles. The University in general, and particularly most of the Governors thereof, thought it necessary for the Publick good and their own Honour, not to renew the Licence, which was then determined, to those who had so plainly abus'd it, but generously to refuse such Endearments as were liberally offer'd to effect so base and scandalous a Design.

And at the same time it was the Prudence of that Body not to encourage a Monopoly, by granting that Licence to the King's Printers, who had a concurrent Right of Printing Bibles with the University; but to the Company of Stationers, who claim'd no right in this kind, but under the University, and would be obliged in Interest to under-sell the King's Printers. The like effectual Care was expressly taken in the Agreement for moderating the Price of Bibles for the future; for employing of all the Families formerly maintain'd by Printing in the University; for buying off all the imperfect Books of the former Undertakers, though fraudulently and surreptitiously begun: Inasmuch that no Colour of Exception to the Agreement, either in point of Right or Honour, or indeed Favour was left, but the open denial of many of the Articles of it, which as soon as read carry in them a Confutation of the Charge. And certain it is, That those Calumnies will gain credit only with those that have not the happiness to know the Character of the Persons abus'd, nor the unhappiness to be unacquainted with the Temper and Honesty of the Libellers.

And as to the Bill for Confirmation of the Liberties of the University—Whoever reads it will find a Saving to the Interest of all Private Persons; so that the Invasion of any Private Right of Copies can be no more compass'd thereby than 'twas design'd.

All Patents, granted to any Persons or Bodies are not secur'd but sav'd, in this Act of Parliament. They still rest upon their own Bottom, which was good in Law before the Act of Parliament, and is only left so by it.

All those Patents are not properly Monopolies whereby common Right is taken away, and lodg'd in particular Persons, but are Assignments only of the King's Interest in those Copies to private Purchasers that claim under him. For if those Patents were determin'd or vacated, Common-Prayer Books, Bibles, Psalters and Testaments would not, as is vainly imagined, be of Common Right, but the Ownership would remain in the King, not only as they are Books of publick Influence; and subjected to his Care; but as they were Translated and Printed at his Charge; and by his Command, and cannot be claim'd by any other Proprietor whatsoever.

In short, these Effects will follow the Expiration or Discontinuance of this Act, viz.

I. A Necessity upon the Government to invent, contrive, and use strains of Law and Power for the Discovery and Suppression of Libels.

II. The Increase of numberless Law-suits, and Questions about Property in Copies, and Piracy thereupon. And

III. The Impoverishment and Ruine of Hundreds of English Families, and the enriching of the Dutch Printers and Book-sellers, by the Importation of Dutch Prints.

*All which are humbly submitted to the Consideration of the Hon<sup>ble</sup> Commons in Parliament.*